HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 2274 (S/S) 2001
(Old No. 13542 of 1998)

Sayeed Ahmad S/o Sri Amir Ahmad,
Resident of village Ghar Meerpur,
P.O. Khas, District Haridwar. ------Petitioner.

Vs.

1. The State of U.P. through the Secretary,
   Irrigation Department, Govt, of U.P., Lucknow,
2. Director, Irrigation Research Institute,
   Roorkee, Haridwar,
3. The Assistant Research Officer,
   Irrigation Research Institute (iii), Bahadarabad,
   District Haridwar. ----Respondents.

Sri P.C. Jhingan learned counsel for the petitioner.
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.S. Bhaskar, learned counsel holding brief of Sri P.C. Jhingan, learned counsel for the petitioner and learned Standing Counsel for the State.

By means of this writ petition, the petitioner has challenged the order dated 24.02.1998 by which a notice was issued to the petitioner to the effect that he will be retired on superannuation after achieving age of 58 years on 30.04.1998.

The petitioner was a 'Beldar' in the Irrigation Research Institute, Roorkee (Haridwar). The petitioner has challenge the notice/order on the ground that he was appointed in the Department prior to 05.11.1985 and, as such, he cannot be directed to be retired on completion of 58 years, as the age of retirement of Class IV employee, who have been appointed prior to 05.11.1985, is 60 years.

It appears that till 1997, the petitioner had worked as a daily wager with the respondents' establishment. He was appointed only as work-charge employee in the year 1997, therefore; he was entitled to continue his services till completion of 58 years as per the Rules. since by the notice, which is impugned in the present writ petition, the appointing authority has directed the petitioner to be retired on completion of 58 years, I find no illegality or infirmity in the order impugned. The writ petition lacks merit.

Accordingly, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

August 11, 2005:
NCM: